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OFFICE OF PETITIONS

In re Application of: :
Crockett et al. : LETTER REGARDING
Application No. 10/626492 : PATENT TERM ADJUSTMENT
Filing or 371(c) Date: 07/23/2003 :
Atty Docket No. 8285/632 :

This letter is in response to the "REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT," filed March 7, 2008. Pursuant to applicant's duty of good faith and candor to the Office, applicant discloses that the initial determination of patent term adjustment of 124 days may extend the term of this patent by too many days.

The request for review of the determination of patent term adjustment (PTA) is **granted**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **sixty-three (63) days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On January 10, 2008, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above identified application. The Notice stated that the patent term adjustment (PTA) to date is one hundred twenty-four (124) days.

The Office initially determined a patent term adjustment of one hundred twenty-four (124) days based on an adjustment for PTO delay of two hundred-eighteen (218) days pursuant to 37 C.F.R. § 1.702(a)(1), reduced by one ninety-four (94) days of applicant delay pursuant to 37 C.F.R. § 1.704(b).

37 C.F.R. § 1.704(b) states:

With respect to the grounds for adjustment set forth in §§ 1.702(a) through (e), and in particular the ground of adjustment set forth in § 1.702(b), an applicant shall be deemed to have failed to engage in reasonable efforts to conclude

processing or examination of an application for the cumulative total of any periods of time in excess of three months that are taken to reply to any notice or action by the Office making any rejection, objection, argument, or other request, measuring such three-month period from the date the notice or action was mailed or given to the applicant, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any, beginning on the day after the date that is three months after the date of mailing or transmission of the Office communication notifying the applicant of the rejection, objection, argument, or other request and ending on the date the reply was filed. The period, or shortened statutory period, for reply that is set in the Office action or notice has no effect on the three-month period set forth in this paragraph.;

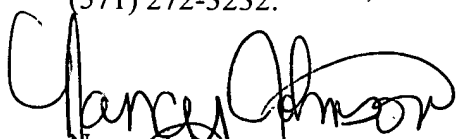
Applicant should have been assessed additional delay of sixty-one (61) days pursuant to 37 C.F.R. § 1.704(b). Applicant filed a Request for Continued Examination ("RCE") and Amendment on June 12, 2006, in response to a final Office action mailed January 12, 2006, which was sixty-one (61) days after April 12, 2006 - three (3) months after the date of mailing of the final Office action.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is **sixty-three (63) days** ((218 days of PTO delay, reduced by 155 (94+61)) days of applicant delay), subject to any terminal disclaimer.

As this letter was submitted as an advisement to the Office of an error in applicant's favor, the Office will not assess the \$200.00 fee under 37 CFR 1.18(e). The Office thanks applicant for their good faith and candor in bringing this to the attention of the Office.

The file is being forwarded to the Office of Data Management for processing into a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to Attorney Derek L. Woods, at (571) 272-3232.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Updated PAIR Screen

Day : Monday
Date: 5/19/2008

PALM INTRANET

Time: 16:56:22

PTA Calculations for Application: 10/626492			
Application Filing Date:	07/23/2003	PTO Delay (PTO):	218
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	94
Post-Issue Petitions:	0	Total PTA (days):	63
PTO Delay Adjustment:	-61		

File Contents History					
Number	Date	Contents Description	PTO	APPL	START
60	05/19/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		61	
53	01/10/2008	MAIL NOTICE OF ALLOWANCE			
52	01/08/2008	ISSUE REVISION COMPLETED			
51	01/08/2008	DOCUMENT VERIFICATION			
50	01/08/2008	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
49	01/07/2008	NOTICE OF ALLOWABILITY			
48	09/26/2007	DATE FORWARDED TO EXAMINER			
47	09/24/2007	AMENDMENT AFTER FINAL REJECTION			
46	07/24/2007	MAIL FINAL REJECTION (PTOL - 326)			
45	07/20/2007	FINAL REJECTION			
44	05/16/2007	DATE FORWARDED TO EXAMINER			
43	05/08/2007	RESPONSE AFTER NON-FINAL ACTION			
42	02/08/2007	MAIL NON-FINAL REJECTION			
41	02/05/2007	NON-FINAL REJECTION			
40	11/29/2006	DATE FORWARDED TO EXAMINER			
39	11/21/2006	RESPONSE AFTER NON-FINAL ACTION			
38	08/22/2006	MAIL NON-FINAL REJECTION			
37	08/18/2006	NON-FINAL REJECTION			
36	07/19/2006	DATE FORWARDED TO EXAMINER			
35	06/12/2006	REQUEST FOR CONTINUED EXAMINATION (RCE)			
34	07/19/2006	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
33	06/17/2006	DATE FORWARDED TO EXAMINER			
32	06/12/2006	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			

31	06/12/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
30	06/12/2006	WORKFLOW - REQUEST FOR RCE - BEGIN			
29	03/21/2006	CASE DOCKETED TO EXAMINER IN GAU			
28	01/12/2006	MAIL FINAL REJECTION (PTOL - 326)			
27	01/09/2006	FINAL REJECTION			
26	02/09/2004	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
25	12/06/2005	CASE DOCKETED TO EXAMINER IN GAU			
24	11/07/2005	DATE FORWARDED TO EXAMINER			
23	10/31/2005	RESPONSE AFTER NON-FINAL ACTION		94	21
22	10/31/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
21	04/29/2005	MAIL NON-FINAL REJECTION	218		-1
20	04/27/2005	NON-FINAL REJECTION			
19	04/12/2005	CASE DOCKETED TO EXAMINER IN GAU			
18	04/05/2005	CASE DOCKETED TO EXAMINER IN GAU			
17	01/25/2005	CASE DOCKETED TO EXAMINER IN GAU			
16	08/18/2004	CASE DOCKETED TO EXAMINER IN GAU			
15	06/15/2004	CASE DOCKETED TO EXAMINER IN GAU			
14	06/15/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
13	02/09/2004	REFERENCE CAPTURE ON IDS			
12.7	02/09/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	02/09/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	04/07/2004	APPLICATION RETURN FROM OIPE			
10	04/07/2004	APPLICATION RETURN TO OIPE			
9	04/07/2004	APPLICATION DISPATCHED FROM OIPE			
8	04/07/2004	APPLICATION IS NOW COMPLETE			
7	02/09/2004	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
6	02/09/2004	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
5	12/05/2003	NOTICE MAILED--APPLICATION INCOMPLETE-- FILING DATE ASSIGNED			
4	10/27/2003	CLEARED BY L&R (LARS)			
3	10/09/2003	INTENTIONALLY REFERRED BY OIPE OR L&R			

2	09/10/2003	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	07/23/2003	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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